

### REMARKS

Claims 1-20 are pending. Claims 16-23 have been withdrawn from the examination. Claims 1-11 and 13-15 stand non-finally rejected. Claim 1 is an independent claim.

The Applicant wishes to thank the Examiner for clarifying to one of Associate Representative of the Applicant on April 10, 2006, 3:13-14 PM that the present Office Action is a second non-final Office Action.

Claim 1 stands rejected under 35 U.S.C. ' 103(a) as allegedly being obvious over Joo *et al.* (U.S. 6,027,255) ("Joo") in view of Hashimoto *et al.* (U.S. 6,480,639) (Hashimoto).

Claim 1 recites an optical hybrid module comprising, *inter alia*, "an optical waveguide having an optical coupling portion..., and an inclined surface that is disposed on a lateral side of the coupling portion and inclined with respect to an end surface of the optical coupling portion." The support for the optical hybrid module recited in claim 1 can be found in Figure 3 and 4.

The United States Court of Appeals for the Federal Circuit held that to "reject claims in an application under section 103, [the Office Action] must show an un rebutted *prima facie* case of obviousness (*In re Rouffet*, 149 F.3d 1350, 47 USPQ2d 1453 (Fed. Cir. 1998) (citing *In re Deuel*, 51 F.3d 1552, 1557, 34 USPQ2d 1210, 1214 (Fed. Cir. 1995))). The *prima facie* case can be established only if the prior art references teaches **all features recited in the claim** (*In re Vaeck*, 947 F.2d 488, 20 USPQ2d 438 (Fed. Cir. 1991); see also MPOEP 2142-2143), **including those in functional language** (*In re Schreiber*, 128 F.3d 1473, 1478, 44 USPQ.2d 1429 (Fed. Cir. 1997) (holding that the patent applicant is free to recite features of an apparatus claim in functional language as long as the features are not inherent to the prior art apparatus))).

In rejecting claim 1, the Office Action indicates that Joo "does not appear to specifically

disclose a light blocking layer formed over the inclined surfaces” of the optical waveguide. However, the Office Action indicates that claim 1, nevertheless, is not patentable, as Hashimoto discloses an optical module containing a light blocking layer formed near the optical coupling portion (the present Office Action, page 3).

Joo, as read by the Applicant, discloses an optical fiber 20 comprising a core and a cladding layer, where one end of the optical fiber is polished (Figure 2-4). According to Joo, the end of the fiber is polished such that the end faces of the core and the cladding layer are inclined at the same inclined angle (id; see also column 5, line 2-8). Therefore, the ends surface cladding layer of the optical fiber disclosed in Joo is not inclined with respect to the end face of the core. Conversely, the end surface of the core is not inclined with respect to the end face of the cladding. Joo, accordingly, does not disclose “an optical waveguide having an optical coupling portion..., and an inclined surface that is disposed on a lateral side of the coupling portion and inclined with respect to an end surface of the optical coupling portion,” as recited in claim 1.

Hashimoto, as read by the Applicant, discloses an optical module that contains a light blocking layer formed on the surfaces adjacent to the end surface of the optical coupling portion. However, Hashimoto, as does the prior art disclosed in the present application, explicitly disclose that the surface adjacent to the optical coupling portion and where a light blocking layer is formed is not inclined with respect to the end surface of the optical coupling portion (Figure 20). Therefore, Hashimoto also fails to disclose an optical waveguide having an optical coupling portion..., and an inclined surface that is disposed on a lateral side of the coupling portion and inclined with respect to an end surface of the optical coupling portion,” as recited in claim 1.

Accordingly, Joo and Hashimoto fails to disclose at least one feature recited in claim 1, and Joo and Hashimoto, alone or in combination, do not render claim 1 obvious. The Applicant respectfully requests withdrawal of the rejection on claim 1.

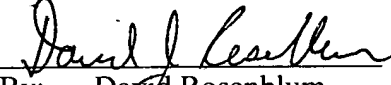
Other claims in this application are each dependent on the independent claim 1 and believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of the patentability of each on its own merits is respectfully requested.

Should the Examiner deem that there are any issues which may be best resolved by telephone, please contact the Applicant's undersigned representative at the number listed below.

Respectfully submitted,

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Date: June 8, 2006

  
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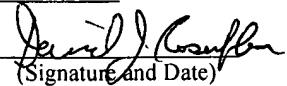
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